IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 9825 of 1994

Between:

Venkacherla Bucchi Raju S/o.Satyanarayana Murthy
R/o.Dwarapudi East Godavari District.

..... PETITIONER

AND

Visweswara Swamy Vari Devastanam Rep.by its

Executive Officer, Dwarapudi E.G.Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to To issue an order,direction more particularly one in the nature of Writ of Certiorari calling for the records in A.T.A.No.23/19947 on the file of Dist.Rajahmundry, on 30-4-1994 confirming the order of the Special Officer Alamuru in I.A.No.86/1993 in ATC.No.14/1993 and Quash the same as illegal and further grant injunction restraining the Respondents from ever interfiring with peaceful possession and enjoyment of the ATC Schedule land and also restrain the Respondent temple from not conducting any auction of lease hold rights of the above mentioned lands to third parties including all its further proceedings and pass.

Counsel for the Petitioner:MR.M.V.DURGA PRASAD

Counsel for the Respondent No.: GP FOR ENDOWMENTS

The Court made the following :

ORDER:

This Writ Petition is filed, questioning the order dated 30-4-1994 in A.T.A.No. 23 of 1994 passed by the appellate authority, confirming the interlocutory order passed by the primary Tribunal in pending ATC.

The petitioner filed ATC. No. 14 of 1993 seeking declaration that he is a cultivating tenant of the land admeasuring Ac.4.56 cts in R.S.Nos. 42/3, 196/1, 177/3 and 174 of Dwarapudi village, belonging to the respondent-temple. In the pending ATC, the petitioner filed an application under Rule 19 of the rules made under A.P. Tenancy Act for grant of temporary injunction orders. The primary tribunal rejected the said application; as against the same, he preferred appeal in ATA.No. 23 of 1994 and the same was also ended in dismissal. Hence this Writ Petition.

Prior to the filing of ATC by the petitioner, the respondent-Temple has filed ATC.No. 17 of 1992 against the petitioner for eviction and the same was allowed on 25-9-1992. Later, the respondent-temple filed E.P.No. 59 of 1993 and the same was also allowed. It is stated in the impugned order that by creating obstructions for delivery of possession pursuant to the orders dated 25-9-1992, subsequently, the petitioner filed the present ATC. Inasmuch as already eviction orders are passed against the petitioner, further, in view of the judgment of this Court in J*aladi Seetharamamma Vs. Sri Ramalingeswara Swami Temple, Gundavaram, Guntur District,* the relief

sought for in this Writ Petition cannot be granted.

In that view of the matter, the Writ Petition is devoid of merits and is accordingly dismissed. No order as to costs.

January 24, 2005.

DR/Msnr.

To

1. The Executive Officer, Visweswara Swamy Vari Devastanam,

Dwarapudi E.G.Dist.

2 2CCs to Government Pleader for Endowments, High Court Buildings,

Hyderabad. (OUT)

3 2CD copies

_____ R.SUBHASH REDDY, J

27.12.2004

DR